

SENATE BILL 492

By Burks

AN ACT to amend Tennessee Code Annotated, Section 2-7-112, relative to enacting the "Tennessee Provisional Voting Rights Act of 2003".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tennessee Provisional Voting Rights Act of 2003."

SECTION 2. The purpose of this act is to make the voting procedure more efficient and to comply with and implement the following federal statutes:

- (1) The National Voter Registration Act of 1993 at 42 U.S.C. 1973 and
- (2) The Provisional Voting Rights Act of 2001

SECTION 3. Tennessee Code Annotated, Section 2-7-112, is amended by adding the following as a new subsection (d) as follows:

(d)

(1) If an individual who claims to be a registrant eligible to vote in a local, state, or federal election at a polling place does not appear on the official list of registrants eligible to vote in such election at the polling place, the individual shall be permitted to vote by paper ballot at that polling place upon written affirmation by the individual before an election at that polling place that the individual is so eligible.

(2)

(A) Any vote cast at a polling place by an individual under subdivision (1) shall be transferred immediately by the election official at the polling place to an appropriate local election official for verification of the claim made by the individual in the affirmation required under subdivision (1).

(B) Any vote cast under subdivision (1) shall be counted and tabulated in the same manner as other votes cast by paper ballot at the polling place unless the appropriate local election official determines that the claim made by the individual in the affirmation required under subdivision (1) cannot be verified.

(C) Votes cast under the provisions of this subsection shall be placed by an election official in a specifically designated box and retained in accordance with the provisions of this chapter. The individual affirmation, if not part of the ballot itself, shall also be retained and stored in the ballot box.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.